

**REMARKS**

The Applicant has reviewed the Examiner's Office Action dated December 28, 2004. The Applicant hereby provides the following remarks concerning the Examiner's rejection of the claims under 35 U.S.C. 102(b) and 103(a).

The Examiner has rejected claims 1-4, 6 and 9 under 35 U.S.C. 102(b) as being anticipated by Kuntman et al. (6,313,783).

Regarding claim 1, the Examiner asserts that Kuntman discloses an surveillance system for an aircraft, comprising: a first antenna (104a) comprising a four radiating element antenna configured for electrical coupling to: a first air traffic control transponder (112), a first traffic alert and collision avoidance system (116); a second antenna (104b) comprising a single radiating element antenna configured for electrical coupling to a second air traffic control transponder (112), a first mounting interface (204) configured for coupling the first antenna to the aircraft (1); a second mounting interface (206) configured for coupling the second antenna the aircraft; wherein the mounting interface of the first antenna has a size and a shape corresponding to a size and shape of the mounting interface of the second antenna. See figures 8 and 10, col. 16, lines 7-67 to col. 23, lines 1-53.

The Examiner is in error in asserting that Kuntman discloses all the elements of the Applicant's claim 1. The Examiner states that Kuntman discloses a first antenna (104a) is a four radiating element antenna and that a second antenna (104b) is a single radiating element antenna. This is wrong and the Examiner is respectfully asked to read column 15 lines 28-29 where it clearly states that antennas 104 are four element antennas. The Examiner further states that Kuntman discloses a first air traffic control transponder (112) and a second air traffic control transponder (112). The Examiner is respectfully asked to explain how the Mode-S transponder receiver (112) can be both a first and a second air traffic control transponder. Kuntman does not disclose a single air traffic control transponder much less two as claimed by the Applicant. Kuntman discloses a TCAS/Mode-S transmitter (116), the Mode-S transponder receiver (112), and a TCAS receiver (114). Clearly, Kuntman does not disclose Applicant's claimed invention. Claim 1 is allowable over Kuntman.

Regarding claim 2, the Examiner asserts that Kuntman discloses wherein the first mounting interface (204) is a first base plate and the second mounting interface (206) is a second base plate.

Kuntman does not disclose a first and second base plate. In Figure 10, item 204 is a base plate but item 206 is an adapter in a single antenna (see column 20 lines 60 and 61) and not a second base plate in a second antenna as disclosed by the Applicant. Claim 2 is believed to be allowable over Kuntman.

Regarding claim 3, the Examiner asserts that Kuntman discloses wherein the second antenna further comprises a plurality of non-functional elements configured for electrical coupling to a load. See figures 2-10.

The Examiner is respectfully asked to show specifically where in figures 2-10 Kuntman discloses a second antenna comprising a plurality of non-functional elements. Claim 3 is believed to be allowable.

Regarding claim 4, the Examiner asserts that Kuntman discloses wherein the first antenna and the second antenna each are an L-band antenna. See figure 2, col.10, lines 3-43.

Claim 4 depends on claim 1 now believed allowable thereby making claim 4 allowable.

Regarding claim 6, the Examiner asserts that Kuntman discloses wherein the second antenna is configured to send a signal representative of at least one of the position and the altitude of the aircraft. See figures 2-8, col. 10, lines 2-67 to col. 20, lines 1-23.

Claim 6 depends on claim 1 through intervening claims 2 and 5. Claim 1 is now allowable thereby making claim 6 allowable.

Regarding claim 9, the Examiner asserts that Kuntman discloses wherein the second antenna comprises an upper antenna and a lower antenna. See figure 10.

Claim 9 depends on claim 1 through intervening claims. Claim 1 is now allowable thereby making claim 9 allowable.

Claims 5, 7-8 are rejected by the Examiner under 35 U.S.C. 103(a) as being unpatentable over by Kuntman et al (US 6,313,783).

Regarding claims 5, 7-8, the Examiner states that Kuntman discloses the claimed invention except for a rectangular shape or base plate of antenna has a length of at least 11 inches or 6 inches. The Examiner believes it would have been an obvious matter of design choice to employ a rectangular shape or the base plate of antenna has a length of at least 11 inches or 6 inches since such a modification would have involved a mere change in the size of a component and shape. The Examiner states that a change in size and shape are generally recognized as being within the level of ordinary skill in the art. The Examiner then states: Therefore, they appear that the invention would not provide any improvement but merely apply the invention in different presentation.

Claims 5, 7-8 depend on claim 1 through intervening claims. Claim 1 is now allowable thereby making claims 5, 7-8 allowable.

The Examiner has allowed claim 10-22. The Applicant thanks the Examiner for this allowance.

The Examiner had not provided any disposition of claims 23-33 in this Office action. The Applicant, in light of the foregoing discussion of claims 1-9 and the Examiner's allowance of claims 10-22, has assumed that these pending claims are also allowable.

**CONCLUSION**

It is now believed that the application is in a condition for allowance. In light of the foregoing a Notice of Allowance is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kyle Eppele", is written over a horizontal line.

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